

## Message Text

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PAGE 01 STATE 069892  
ORIGIN EB-08

INFO OCT-01 EA-12 ISO-00 L-03 COME-00 SS-15 NSC-05  
SP-02 /046 R

DRAFTED BY EB/IFD/BP:S M BRATTAIN:BT  
APPROVED BY EB/IFD/BP:ALVIN P. ADAMS  
L/T:A W ROVINE (SUBS)  
L/EB:D WOOD  
COMM/PTO:C AOUSSAT  
COMM:J M LIGHTMAN (SUBS)  
EA/K:B PORTER

-----044091 181721Z /14

R 180241Z MAR 78  
FM SECSTATE WASHDC  
TO AMEMBASSY SEOUL

UNCLAS STATE 069892

E.O. 11652: N/A

TAGS: EIND, PFOR, KS

SUBJECT: RIGHT OF PRIORITY ON PATENT APPLICATIONS IN KOREA

REFS: A) STATE 019347; B) SEOUL 0559

1. CIRCULAR 175 AUTHORIZATION TO EXCHANGE DIPLOMATIC NOTES  
ON SUBJECT WITH GOVERNMENT OF KOREA (GOK) HAS BEEN OBTAINED.  
TEXTS OF PROPOSED NOTES FOLLOW:

"A. NOTE TO THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC  
OF KOREA:

EXCELLENCY: I HAVE THE HONOR TO REFER TO THE DISCUSSIONS  
WHICH HAVE RECENTLY TAKEN PLACE BETWEEN THE REPRESENTATIVES  
OF THE GOVERNMENT OF THE REPUBLIC OF KOREA AND THE GOVERN-  
UNCLASSIFIED

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PAGE 02 STATE 069892

MENT OF THE UNITED STATES OF AMERICA WITH RESPECT TO THE  
CONCLUSION OF AN AGREEMENT FOR THE MUTUAL GRANTING AND PRO-  
TECTION OF THE RIGHTS OF PRIORITY ON PATENTS OF INVENTION  
AND INDUSTRIAL DESIGNS, RECOGNIZED BY THE NATIONAL LAW OF  
EITHER COUNTRY AND EXTENDED TO THE NATIONALS OF THE OTHER  
COUNTRY.

"ON BEHALF OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA, I CONFIRM THAT THE FOLLOWING AGREEMENT HAS BEEN REACHED ON THE QUESTION OF RECIPROCAL GRANTING OF THE RIGHT OF PRIORITY BETWEEN THE TWO COUNTRIES FOR PATENTS OF INVENTION AND INDUSTRIAL DESIGNS:

-- "THE GOVERNMENTS OF BOTH COUNTRIES AGREES THAT, ON A RECIPROCAL BASIS, PHYSICAL AND JURIDICAL PERSONS OF EITHER COUNTRY WHO HAVE DULY FILED AN APPLICATION IN ONE COUNTRY FOR A PATENT OF INVENTION, OR FOR PROTECTION OF AN INDUSTRIAL DESIGN, SHALL ENJOY, FOR THE PURPOSE OF FILING IN THE OTHER COUNTRY, A RIGHT OF PRIORITY, BASED ON SUCH EARLIER FILING, DURING THE PERIOD PROVIDED FOR BY THE RELEVANT LAWS AND REGULATIONS OF SUCH OTHER COUNTRY.'

"I HAVE THE FURTHER HONOR TO PROPOSE THAT THIS NOTE AND YOUR EXCELLENCY'S NOTE OF CONFIRMATION, WHICH IS EQUALLY AUTHENTIC IN ENGLISH AND IN KOREAN SHALL CONSTITUTE AN AGREEMENT ON THIS MATTER BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF KOREA, WHICH SHALL ENTER INTO FORCE ON THE DATE OF YOUR NOTE, AND HAVE EFFECT AS FROM JANUARY 1, 1974, THE DATE UPON WHICH THE KOREAN PATENT ACT CAME INTO EFFECT.

"I AVAIL MYSELF OF THIS OPPORTUNITY TO RENEW TO YOUR  
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 069892

EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.  
U.S. AMBASSADOR" (END OF DIPLOMATIC NOTE A.)

"B. NOTE TO U. S. AMBASSADOR FROM THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF KOREA:

"EXCELLENCY: I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT OF YOUR NOTE OF PARENTHESIS DATE CLOSE PARENTHESIS WHICH READS AS FOLLOWS:

-- 'I HAVE THE HONOR TO REFER TO THE DISCUSSIONS WHICH HAVE RECENTLY TAKEN PLACE BETWEEN THE REPRESENTATIVES OF THE GOVERNMENT OF THE REPUBLIC OF KOREA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA WITH RESPECT TO THE CONCLUSION OF AN AGREEMENT FOR THE MUTUAL GRANTING AND PROTECTION OF THE RIGHTS OF PRIORITY ON PATENTS OF INVENTION AND INDUSTRIAL DESIGNS, RECOGNIZED BY THE NATIONAL LAW OF EITHER COUNTRY AND EXTENDED TO THE NATIONALS OF THE OTHER COUNTRY.

-- 'ON BEHALF OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA, I CONFIRM THAT THE FOLLOWING AGREEMENT HAS

BEEN REACHED ON THE QUESTION OF RECIPROCAL GRANTING OF  
THE RIGHT OF PRIORITY BETWEEN THE TWO COUNTRIES FOR  
PATENTS OF INVENTION AND INDUSTRIAL DESIGNS:

-- THE GOVERNMENTS OF BOTH COUNTRIES AGREE  
-- THAT, ON A RECIPROCAL BASIS, PHYSICAL AND JURIDI-  
-- CAL PERSONS OF EITHER COUNTRY WHO HAVE DULY FILED  
-- IN ONE COUNTRY FOR A PATENT OF INVENTION, OR FOR  
-- PROTECTION OF AN INDUSTRIAL DESIGN, SHALL ENJOY,  
-- FOR THE PURPOSE OF FILING IN THE OTHER COUNTRY,  
-- A RIGHT OF PRIORITY, BASED ON SUCH EARLIER FIL-  
-- ING, DURING THE PERIOD PROVIDED FOR BY THE RELE-  
-- VANT LAWS AND REGULATIONS OF SUCH OTHER COUN-  
-- TRY."

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PAGE 04 STATE 069892

-- "I HAVE THE FURTHER HONOR TO PROPOSE THAT THIS  
NOTE AND YOUR EXCELLENCY'S NOTE OF CONFIRMATION, WHICH  
IS EQUALLY AUTHENTIC IN ENGLISH AND IN KOREAN, SHALL  
CONSTITUTE AN AGREEMENT ON THIS MATTER BETWEEN THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE  
GOVERNMENT OF THE REPUBLIC OF KOREA, WHICH SHALL ENTER  
INTO FORCE ON THE DATE OF YOUR NOTE, AND HAVE EFFECT  
AS FROM JANUARY 1, 1974, THE DATE UPON WHICH THE  
KOREAN PATENT ACT CAME INTO EFFECT.'

"I HAVE THE HONOR TO INFORM YOU THAT THE FOREGOING IS  
ACCEPTABLE TO THE GOVERNMENT OF THE REPUBLIC OF KOREA,  
WHICH AGREES THAT YOUR NOTE AND THIS NOTE IN REPLY, WHICH  
IS EQUALLY AUTHENTIC IN ENGLISH AND IN KOREAN, SHALL CON-  
STITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH  
SHALL ENTER INTO FORCE ON THE DATE OF THIS NOTE WITH RETRO-  
ACTIVE EFFECT TO JANUARY 1, 1974.

"I AVAIL MYSELF OF THIS OPPORTUNITY TO RENEW TO YOUR  
EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.  
MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF KOREA."  
(END OF DIPLOMATIC NOTE B.)

2. ACTION REQUESTED: EMBASSY IS REQUESTED TO PRESENT  
DIPLOMATIC NOTES A AND B TO GOK AND INFORM DEPARTMENT OF  
RESULTS OF THE ACTION. VANCE

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, PATENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 18 mar 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Original Handling Restrictions:** n/a  
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**Reference:** 78 STATE 19347, 78 SEOUL 559  
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**Review Content Flags:**  
**Review Date:** 29 mar 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3282231  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** RIGHT OF PRIORITY ON PATENT APPLICATIONS IN KOREA  
**TAGS:** EIND, PEPR, KS, US  
**To:** SEOUL  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
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